

February 13, 2025

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
California Service Center
2642 Michelle Drive
Tustin, CA 92780



**U.S. Citizenship
and Immigration
Services**



IOE9725196213



A240-145-104

CRISTOPHER ENRIQUE MORENO CAMACHO
c/o CALHOUN COUNTY JAIL
185 EAST MICHIGAN AVE
BATTLE CREEK, MI 49014
UNITED STATES

RE: I-821, Application for Temporary Protected Status

DECISION

This notice refers to your Form I-821, Application for Temporary Protected Status (TPS) filed on October 7, 2023. That application was approved on November 13, 2024.

This letter is to notify you that U.S. Citizenship and Immigration Services (USCIS) is withdrawing your Temporary Protected Status (TPS).

Title 8, Code of Federal Regulations (8 CFR) section 244.14 states in pertinent part:

(a) Authority of director. The director may withdraw the status of an alien granted Temporary Protected Status under section 244 of the Act at any time upon the occurrence of any of the following:

- 1) The alien was not in fact eligible at the time such status was granted, or at any time thereafter becomes ineligible for such status;
- 2) The alien has not remained continuously present in the United States from the date the alien was first granted TPS;
- 3) The alien fails without good cause to register with the Attorney General annually within thirty (30) days before the end of each 12-month period after the granting of TPS.

Commission of Serious Nonpolitical Crimes Outside the United States

INA § 244(c)(2)(B)(ii) states:

An alien shall not be eligible for temporary protected status under this section if the Attorney General finds that- (ii) the alien is described in section 208(b)(2)(A) of this title.

INA § 208(b)(2)(A)(iii) also states:

Paragraph (1) shall not apply to an alien if the Attorney General determines that-

...

(iii) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside the United States prior to the arrival of the alien in the United States;

In determining whether a crime is "serious," we should consider whether it creates a "substantial risk of violence and harm to persons". Matter of E-A-, 26 I&N Dec. 1 (BIA 2012).

Furthermore, Matter of E-A- lists the following factors to consider in the assessment of whether a crime is political in nature:

- "(1) the act or acts were directed at a governmental entity or political organization, as opposed to a private or civilian entity;
- "(2) they were directed toward modification of the political organization of the State; and
- "(3) there is a close and direct causal link between the crime and its political purpose."

Id.

On your Form I-821, Application for Temporary Status, Part 7, you provided a "No" response to the following question:

9b. Have you EVER committed serious nonpolitical crimes outside of the United States prior to your arrival in the United States?

However, DHS records show that prior to your entry to the United States, you have been charged with three felonies that are serious nonpolitical crime outside of the United States. Specifically, these records show that you have two active arrest warrants in Aragua, Venezuela for three felony charges, including:

1. Theft of a Vehicle;
2. Strongarm Robbery/Hijacking of a Vehicle; and
3. Extortion.

With respect to the charge of theft of a vehicle, there is no indication that this crime was directed at a government entity or political organization; and therefore, would not constitute a political crime. *See Matter of E-A-*, 26 I&N Dec. 1 (BIA 2012). Additionally, theft of a vehicle constitutes a serious crime as it involves harm to a person with the use of force against the property of another person.

With respect to the charge of Strongarm Robbery/Hijacking of a Vehicle, there is no indication that this crime was directed at a government entity or political organization; and therefore, would not constitute a political crime. *See Matter of E-A-*, 26 I&N Dec. 1 (BIA 2012). Additionally, robbery constitutes a serious crime. Robbery involves harm to a person because taking property unlawfully by force harms a person's body and property rights. Moreover, the Board of Immigration Appeals (BIA) has stated that robbery constitutes a serious nonpolitical crime. *See Matter of Ballester-Garcia*, 17 I&N Dec. 592, 595-96 (BIA 1980), (modified on other grounds, Matter of Gonzales, 19 I&N Dec. 682, 685 n.3 (BIA 1988); Matter of Rodriguez-Palma, 17 I&N Dec. 465, 469-70 (BIA 1980), modified on other grounds, Matter of Gonzales, 19 I&N Dec. 682, 685 n.3 (BIA 1988)).

With respect to the charge of extortion, there is no indication that this crime was directed at a government entity or political organization; and therefore, would not constitute a political

crime. *See Matter of E-A-*, 26 I&N Dec. 1 (BIA 2012). Additionally, extortion constitutes a serious crime. Extortion involves harm to a person because using force or threats to obtain something harms a person's body and property rights.

Therefore, these three charges constitute serious nonpolitical crimes outside the United States and therefore, you appear ineligible for TPS under INA § 244(c)(2)(B)(ii).

Willful Misrepresentation of a Material Fact

INA § 244(c)(1)(A)(iiii) states:

Aliens eligible for temporary protected status.

Subject to paragraph (3), an alien, who is a national of a state designated under subsection (b)(1) (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state), meets the requirements of this paragraph only if

...

(iii) the alien is admissible as an immigrant...

INA § 212(a)(6)(C)(i) states:

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this chapter is inadmissible.

On your Form I-821, Application for Temporary Status, Part 7, you provided a "No" response to the following question:

21. Have you EVER, by fraud or willfully misrepresenting a material fact, sought to obtain a visa or other documentation, admission to the United States, or any other immigration benefit?

However, DHS records indicate that you have been confirmed to be a member of the Venezuelan street gang, Tren de Aragua. This information constitutes a material fact given that Tren de Aragua is a criminal gang and membership in this gang would impact your eligibility for Temporary Protected Status. Therefore, failure to disclose the above information amounts to willful misrepresentation of a material fact and therefore renders you inadmissible to the United States pursuant to INA § 212(a)(6)(C)(i) for willful misrepresentation of a material fact.

Furthermore, on your Form I-821, Part 7, you provided a "No" response to the following question:

9. Have you EVER committed serious nonpolitical crimes outside of the United States prior to your arrival in the United States?

However, as discussed above, DHS records show that there are two arrest warrants for you for three different felony charges that constitute commission of serious nonpolitical crimes outside the United States. By not disclosing your three felony charges in Venezuela and active arrest warrants, you misrepresented a material fact that would impact your eligibility for Temporary Protected Status. Therefore, failure to disclose the above information renders you inadmissible to the United States pursuant to INA § 212(a)(6)(C)(i) for willful misrepresentation of a material fact.

Ineligible for Temporary Protected Status

Because of the charges for serious nonpolitical crimes and because of willful misrepresentation of a material fact, you are ineligible for TPS. Your TPS is withdrawn as of the date of this letter.

In accordance with 8 CFR 244.14, USCIS now withdraws your Temporary Protected Status as of the date of this notice.

If you disagree with this decision, you may appeal to the Administrative Appeals Office (AAO) by filing a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision.

Alternatively, you may use Form I-290B to submit a motion to reopen or reconsider. For the latest information on filing location, fee, and other requirements, please review the Form I-290B instructions at <http://www.uscis.gov/forms>, call our USCIS Contact Center at 1-800-375-5283, or visit your local USCIS office. If USCIS does not receive a properly filed appeal, this decision will become final.

Sincerely,

John M. Allen
SCOPS Deputy Associate Director of Adjudications